

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JASON D ALSTON

PLAINTIFF

V.

CAUSE NO. 4:16CV00236-DMB-JMV

MISSISSIPPI DEPARTMENT OF TRANSPORTATION

DEFENDANT

ORDER ON MOTION FOR LEAVE TO AMEND

Before the court are three motions to amend [59, 61, and 62] filed by Jason Alston, the *pro se* plaintiff. By these motions, Mr. Alston essentially seeks an order for leave to file an amended complaint which drops all claims asserted in the Amended Complaint [21], save a retaliation claim related to a forty-hour suspension.

By R&R [54] entered June 26, 2017, the undersigned made a recommendation to the district judge that defendant's motion to dismiss [41] be granted with respect to all claims in the amended complaint, except the retaliation claim based upon the suspension. No party filed an objection to that R&R within the time provided for in that document. Instead, Mr. Alston has filed the instant motions to amend, the first and second of which are, hereby, deemed moot in light of the subsequent, amended filing [62].

Based on the foregoing, and finding that the amended motion for leave to amend [62] is well taken, it is ordered that the motion is GRANTED. Mr. Alston must separately file his proposed Second Amended Complaint within 3 business days of today.

IT IS FURTHER ORDERED that the R&R [54], entered June 26, 2017, is hereby

withdrawn as moot.

This 27th day of July, 2017.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE